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U.S. DISTRICT COURT
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★ FEB 15 2012 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

BROOKLYN OFFICE

Plaintiff,

ORDER
02 CR 430 (ILG)

-against-

MAURICE TODD,

Defendant.

-----x
GLASSER, United States District Judge:

The defendant, *pro se*, has communicated his request for a copy of his sentencing minutes in a letter dated January 31, 2012. The reasons for his request is stated to be: "I would like to exercise my constitutional right to aid/or partake in my defense."

By way of background, Todd was charged in April 2002, with conspiracy to commit bank robbery, ten substantive bank robberies and six firearm offenses. One year later, in April 2003, he pleaded guilty, pursuant to a plea agreement, to six bank robberies and one firearm offense. He was sentenced in July 2003, to concurrent terms of 137 months on the six robbery counts and a consecutive term of 84 months on the firearm charge for a total of 221 months. By the terms of his agreement, he waived his right to appeal in the event the sentence imposed did not exceed 252 months.

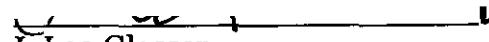
On August 16, 2004, acting *pro se*, he sought to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. In a Memorandum and Order dated October 27, 2004, his petition was denied and the denial was affirmed on Appeal in a Summary Order dated February 1, 2006.

28 U.S.C. § 753(f) provides that copies of transcripts, records and other official documents shall be furnished without cost to persons proceeding under the Criminal Justice Act, in habeas corpus proceedings or other proceedings upon a showing that the purpose of the request is not frivolous and the transcript is needed to decide an issue presented.

Having been sentenced nine years ago, his right to appeal precluded by an enforceable waive of that right, his habeas corpus relief exhausted, there is no non-frivolous purpose which his request can serve and it is, therefore, denied.

Dated: Brooklyn, New York
February 13, 2012

S/LG


I. Leo Glasser

Filed by ECF and a copy mailed to:

Maurice Todd
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